

June 3, 2004
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-- REMARKS --

The present amendment replies to an Office Action dated April 22, 2004. Claims 1-33 are currently pending in the present application. The Applicants have thoroughly considered the Examiner's remarks concerning the patentability of claims 1-33. No new matter has been introduced by the amendments to the claims. Applicants thank the Examiner for granting a phone interview on May 14, 2004 and appreciate the Examiner's preliminary favorable comments. Applicants understand that the Examiner was unable to agree that such amendments converted the case to allowance, but appreciate the opportunity to speak with the Examiner to further the progress of prosecution..

Claims 1-4, 6-12, 17-20, 22-28, and 33 were rejected under 35 U.S.C. § 102(e) as being anticipated by Horst et al. (USPN 6,484,235B1). The Applicants disagree with the Examiner's assertion that Horst discloses an inactive group in column 14, lines 49-60 as is provided in independent claims 1, 17, and 33 of the present application. In fact, Horst fails to disclose, teach, or suggest an inactive group at all. Rather, Horst discloses a modified RAID strategy that requires all disks to be actively online thereby allowing simultaneous access to improve performance (see column 5, lines 7-28; column 15, lines 7-14). As such, the strategy disclosed by Horst may include unbalanced/increased disk wear and high power consumption.

However, in order to expedite prosecution, Applicants have amended the claims to reflect "powered on" and "powered off" groups in place of the previously claimed "active" and "inactive" groups. Applicants reserve the right to present the unamended claims in a continuation application, as this amendment was not made to claim around any reference, but rather to expedite prosecution. Support for the amendments is located on, at least, pages 7 and 8 of the specification of United States Patent Application 09/886,192.

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As each and every limitation of the independent claims 1, 17, and 33 is not disclosed in Horst, said claims cannot be anticipated by Horst. Withdrawal of the rejection of independent claims 1, 17, and 33 under 35 U.S.C § 102(e) is respectfully requested.

Regarding claims 3, 4, 6-12, 18-20, and 22-28 said claims depend from and therefore include all of the elements and limitations of independent claims 1 or 17. The Applicants submit that dependent claims 3, 4, 6-12, 18-20, and 22-28 are allowable over Horst for at least the same reasons as set forth above with respect to independent claims 1 and 17. Withdrawal of the rejection of dependent claims 3, 4, 6-12, 18-20, and 22-28 under 35 U.S.C § 102(e) is respectfully requested.

Claims 5 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Horst et al. (USPN 6,484,235B1) in view of Toada et al. (USPN 5,809,647A). Said claims depend from and therefore include all of the elements and limitations of independent claims 1 or 17, respectively. The Applicants submit that dependent claims 5 and 21 are allowable over Horst and Toada, which fail to teach, suggest, or disclose a powered off and powered on group as was set forth above with respect to independent claims 1 and 17. Because Horst and Toada, singly or in combination, fail to disclose all the limitations of the rejected claims, the combination of Horst and Toada would not have been obvious to one of ordinary skill in the art and would not result in the present invention as described in the rejected claims. Withdrawal of the rejection of dependent claims 5 and 21 under 35 U.S.C § 103(a) is respectfully requested.

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Claims 16 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Horst et al. (USPN 6,484,235B1) in view of Bennett et al. (USPN 6,577,465B1). Said claims depend from and therefore include all of the elements and limitations of independent claims 1 or 17, respectively. The Applicants submit that dependent claims 16 and 32 are allowable over Horst and Bennett, which fail to teach, suggest, or disclose a powered off and powered on group as was set forth above with respect to independent claims 1 and 17. Because Horst and Bennett, singly or in combination, fail to disclose all the limitations of the rejected claims, the combination of Horst and Bennett would not have been obvious to one of ordinary skill in the art and would not result in the present invention as described in the rejected claims. Withdrawal of the rejection of dependent claims 16 and 32 under 35 U.S.C § 103(a) is respectfully requested.

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SUMMARY

Examiner Wilson's 35 U.S.C. § 112 rejection has been overcome by the above amendments corresponding to claims 1-33. The 35 U.S.C. § 102 and 103 rejections have been traversed by the above remarks corresponding to claims 1-33. The Applicants respectfully submit that claims 1-33 fully satisfy the requirements of 35 U.S.C. § 102, 103, and 112 and are in a condition for allowance. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

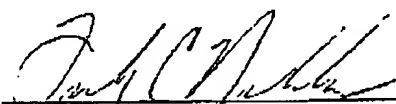
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Respectfully submitted,
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